
TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #12-195(E)**DIGEST**

Temporarily adds noncode provisions to amend [312 IAC 18-3-18](#), which provides standards and locations for the control or quarantine of emerald ash borers, to include all counties except Crawford County, Daviess County, Gibson County, Greene County, Knox County, Martin County, Perry County, Pike County, Posey County, Spencer County, Sullivan County, Vanderburgh County, and Warrick County in the areas of control or quarantine based upon inspections by the Division of Entomology and Plant Pathology of sites in Indiana where agricultural, horticultural, or sylvan products are being grown, shipped, sold, or stored, and where the director of the Department of Natural Resources has determined under [IC 14-24-4-2](#) that emerald ash borers are present so as to warrant their quarantine and control. Effective May 1, 2012.

SECTION 1. This document assists in the implementation of [IC 14-24-4](#) and supplements [312 IAC 18-3-18](#).

SECTION 2. The definitions in [IC 14-8](#), [IC 14-24](#), [312 IAC 1](#), [312 IAC 18-1](#), and [312 IAC 18-3-18](#) apply throughout this document.

SECTION 3. (a) All counties within Indiana are regulated under [312 IAC 18-3-18](#) as infested areas, where emerald ash borers are present, with the exception of the following:

- (1) Crawford County;
- (2) Daviess County;
- (3) Gibson County;
- (4) Greene County;
- (5) Knox County;
- (6) Martin County;
- (7) Perry County;
- (8) Pike County;
- (9) Posey County;
- (10) Spencer County;
- (11) Sullivan County;
- (12) Vanderburgh County; and
- (13) Warrick County.

(b) Firewood of any nonconiferous species with bark removed is exempted from this SECTION and [312 IAC 18-3-18](#).

(c) A person must not move a regulated article originating outside an infested area, through a county regulated under subsection (a), without a certificate of inspection for the emerald ash borer, except under the following conditions:

- (1) From September 1 through April 30, or when the ambient air temperature is below forty (40) degrees Fahrenheit, if the person does not stop except to refuel or for traffic conditions.
- (2) From May 1 through August 31 when the temperature is forty (40) degrees Fahrenheit or higher if the article is:
 - (A) shipped in an enclosed vehicle; or
 - (B) completely enclosed by a covering adequate to prevent access by the emerald ash borer.
- (3) The point of origin of the regulated article is indicated on the bill of lading or shipping document.
- (4) The regulated article is moved within Indiana by approval of the state entomologist for scientific purposes.
- (5) The article is not combined or commingled with other articles so as to lose its individual identity.

(d) A regulated article originating outside a regulated area that is moved into a county regulated under subsection (a) and exposed to potential infestation by the emerald ash borer is considered to have originated from a regulated area. A person must not move the regulated article from the regulated area except as authorized by:

- (1) subsection (3) *[sic]*; or
- (2) [312 IAC 18-3-18\(e\)](#).

(e) Inspection and certification are not required for a person to move a regulated article to a contiguous infested area, as long as the regulated article is not also moved through a nonregulated area.

(f) This SECTION supersedes [312 IAC 18-3-18\(c\)](#), [312 IAC 18-3-18\(f\)](#), and [312 IAC 18-3-18\(g\)](#).

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